

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 109743

70

ORIGIN EUR-25

INFO OCT-01 ISO-00 PM-07 L-03 CIAE-00 INR-10 NSAE-00

RSC-01 NEA-14 TRSE-00 OMB-01 /062 R

DRAFTED BY EUR/TUR: HEKIRBY

APPROVED BY EUR/TUR: RSDILLON

----- 040194

R 242038Z MAY 74

FM SECSTATE WASHDC

TO AMEMBASSY ANKARA

AMCONSUL ISTANBUL

INFO NAVY JAG/ADMIRALTY

LIMITED OFFICIAL USE STATE 109743

E.O. 11652:

TAGS: MOPS TU

SUBJECT: US INDEPENDENCE CABLE DAMAGE

REF: ANKARA 3734

1. NAVY JAG HAS PROVIDED DEPARTMENT FOLLOWING VIEWS,
WHICH YOU SHOULD PASS TO MFA:

(A) SURVEY DAMAGE IN AMOUNT OF 63,243.45 TL (APPROXIMATELY
\$4,517.38 AT EXCHANGE RATE OF 14 TL/\$1.00) APPEARS TO BE
A RECOVERABLE DAMAGE ITEM. BEFORE SEEKING SECNAV'S
APPROVAL FOR PAYMENT OF THIS ADDITIONAL AMOUNT, HOWEVER,
IT IS NECESSARY TO ESTABLISH WITH PTT DEFINITE, MUTUALLY
AGREEABLE, OVERALL SETTLEMENT FIGURE. SINCE 30 APRIL
DEADLINE FOR PARTIAL PAYMENT DESIRED BY PTT HAS PASSED,
NAVY PLANS TO EFFECT SETTLEMENT IN ONE SINGLE PAYMENT,
WHICH WILL BE MADE ONCE MUTUALLY AGREEABLE AMOUNT
DETERMINED, APPROVED BY SECNAV, AND FUNDS FOR PAYMENT
OBTAINED. (FYI. NAVY JAG HOPES TO RECEIVE NECESSARY
FUNDING AUTHORITY WITHIN 2 - 3 WEEKS. JAG NOTES THAT
EVEN IF FUNDS WERE AVAILABLE NOW, IT COULD NOT MAKE PARTIAL
PAYMENT BEFORE RECEIVING SECNAV APPROVAL OF OVERALL
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 109743

SETTLEMENT, SINCE REGULATIONS FOR SETTLING ADMIRALTY

CLAIMS REQUIRE APPROVAL OF FULL SETTLEMENT BEFORE ANY PAYMENT MADE. SECNAV'S EARLIER APPROVAL OF PAYMENT IN AMOUNT OF 7,853,060.15 TL -- APPROXIMATELY \$561,075.72 AT 14 TL/\$1.00 -- WAS BASED ON BELIEF THAT WAS OVERALL SETTLEMENT

FIGURE. END FYI).

(B) NAVY CONSIDERS REVALUATION OF TURKISH LIRA, (PARA 6 OF REFTEL (B) IRRELEVANT SINCE EXCHANGE RATE OF 14 TL/\$1.00 WAS IN EFFECT AT THE TIME OF INCIDENT, CONTINUED IN EFFECT THROUGHOUT PERIOD PTT WAS PRESENTING AND DOCUMENTING ITS CLAIM, AND WAS IN EFFECT AT THE TIME REPAIRS WERE MADE BY PTT TO THE DAMAGED CABLE. (FYI. NAVY CONSIDERS IT FAIR AND REASONABLE TO MAKE PAYMENT IN ACCORDANCE WITH EXCHANGE RATE OBTAINING AT TIME CABLE REPAIRS WERE MADE. PAYMENT AT RATE ESTABLISHED SUBSEQUENTLY WOULD PROVIDE WINDFALL PROFIT AND WOULD BE CONTRARY TO PRINCIPLES ESTABLISHED UNDER ADMIRALTY CASE LAW. END FYI).

(C) SINCE PTT REQUESTED CLAIM SETTLEMENT IN DOLLARS, NAVY IS PREPARED TO SEEK SECNAV APPROVAL FOR PAYMENT OF \$565,593.13 (APPROXIMATELY 7,918,303.60 TL AT EXCHANGE RATE OF 14 TL/\$1.00) IN FULL AND FINAL SETTLEMENT, IF PTT ACCEPTS THIS OFFER.

(D) NAVY WILL EXPEDITE FINAL PROCESSING OF PTT CLAIM AFTER RECEIVING PTT RESPONSE TO (C) ABOVE.

2. FOR ISTANBUL: NAVY JAG ASKS WHETHER IETT HAS RESPONDED TO ITS SETTLEMENT OFFER CONTAINED IN PARA 3 OF STATE 69362. ALSO, NAVY ASKS WHETHER IETT WILL ACCEPT PAYMENT IN DOLLARS (NAVY PROPOSED SETTLEMENT FIGURE OF 7,858,456.56 TL, WHICH EQUALS APPROXIMATELY \$561,318.33 AT 14 TL/\$1.00).
RUSH

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LITIGATION, COMMUNICATION LINES, NAVAL SHIPS, USS INDEPENDENCE, COST ESTIMATES
Control Number: n/a
Copy: SINGLE
Draft Date: 24 MAY 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GarlanWA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE109743
Document Source: CORE
Document Unique ID: 00
Drafter: HEKIRBY
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740132-0560
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740519/aaaaapym.tel
Line Count: 95
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: ANKARA 3734
Review Action: RELEASED, APPROVED
Review Authority: GarlanWA
Review Comment: n/a
Review Content Flags:
Review Date: 27 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 AUG 2002 by elyme>; APPROVED <04 MAR 2003 by GarlanWA>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US INDEPENDENCE CABLE DAMAGE
TAGS: MOPS, TU, US
To: ANKARA ISTANBUL
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005